

Notice of Allowability

Application No.

09/803,086

Examiner

Raymond J. Bayerl

Applicant(s)

DUXBURY, PAUL

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to brief on appeal, filed 2 May 2005.
2. ☒ The allowed claim(s) is/are 15 - 20.
3. ☒ The drawings filed on 08 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20 May 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

28 June 2005

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1. The information disclosure statement filed after final rejection on 20 May 2005 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e) and it lacks the fee set forth in 37 CFR 1.17(p). See MPEP 609. It has been placed in the application file, but the information referred to therein has not been considered.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Lee on 28 June 2005.

4. The application has been amended as follows:

In the Claims:

Claim 19, line 1—"data carrier" has been replaced by "machine readable medium".

5. This Examiner's amendment was made so that claims 19 – 20 would not read upon a "carrier wave" or other such components by which the "program product" would not be fixed in a tangible medium and not qualify as a statutory invention under 35 USC 101.

6. The following is an examiner's statement of reasons for allowance:

After giving consideration to the full discussion presented in applicant's brief on appeal, filed 2 May 2005, the Examiner finds persuasive applicant's arguments that independent claims 15, 17, 19 are not taught by the combination of Angiulo et al.

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("Angiulo"; US #6,275,829 B1) in view of Fleskes ("Fleskes"; US #6,529,910 B1), nor by any of the remaining prior art now made of record.

The Examiner's position had been that Angiulo's use of the HREF functionality whereby an image thumbnail can call a larger object image was enough to read upon the claimed use of "shortcut objects", where a "target address in the shortcut object" (a thumbnail link on the page that references an object file) can call the "content object" of the main image file when the page is parsed and the command executed. Fleskes was additionally relied upon to show the use of a parsed template representation like that which contains applicant's "plurality of commands for inserting content into the webpage".

A closer consideration reveals, however, that there is a significant difference between the claimed "shortcut object" and the way it is used and Angiulo's hyperlinked thumbnail. Specifically, and as applicant points out at page 5 of the brief, the claims recite that a "template" has "commands for inserting content into the webpage", such that a "source address" contained in a "command" can call either a "content object" or a "shortcut object" that contains a "target address referencing one of the content objects". Even if the HREF command to present a link to the larger sailboat image in Angiulo were interpreted as a "shortcut object" (and such a segment of HTML source code does not truly read upon the definition accepted in the art for "object"), it is not accessed by "parsing the template" and "executing" a "command" that calls such an object located at a "source address".

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7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
28 June 2005